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Implementation of the Job Loss Guarantee Program for Laid-off Workers: Analysis Based on Government Regulation Number 37 of 2021 in Sukabumi Regency

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Abstract: This article analyzes the implementation of Indonesia's Job Loss Insurance Program (Jaminan Loss Kerja, JKP) for workers affected by employment termination in Sukabumi Regency and its relevance to legal certainty and legal justice. This study employs an empirical juridical method with a qualitative approach, drawing on literature review, observation, and interviews with labor officials, trade unions, companies, and workers. The findings show that JKP has a clear legal basis under Government Regulation Number 37 of 2021, yet its implementation remains uneven. Major obstacles include inconsistent layoff data, eligibility status, contribution periods, health insurance status, excluded categories of termination, digital access through the SIAPKerja platform, company compliance, and weak supervision. In Sukabumi Regency, workers who lose their jobs tend to access Old Age Security benefits more frequently than JKP, even though JKP is specifically designed as protection for workers affected by layoffs. This article argues that JKP remains strong as a normative right but has not fully materialized as an accessible social protection instrument. Strengthening data integration, simplifying eligibility requirements, providing digital assistance, improving company supervision, and aligning training programs with local labor market needs are essential to realizing legal certainty and justice for dismissed workers.

Keywords: Job Loss Insurance; Employment Termination; Workers; Legal Certainty; Legal Justice.

INTRODUCTION

The Indonesian Constitution expressly places social security as a citizen's right. Article 28H paragraph (3) of the 1945 Constitution of the Republic of Indonesia states that everyone has the right to social security that allows the development of himself as a full human being. This provision is strengthened by Article 34, paragraph (2), of the 1945 Constitution of the Republic of Indonesia, which emphasises that the state develops a social security system for all people and empowers the weak and underprivileged in accordance with human dignity.

Thus, social security is a constitutional mandate directly related to the protection of citizens' basic rights (Alfitri, 2012).

Government policies regarding social security in Indonesia are realised through the National Social Security System (SJSN). SJSN is a procedure for implementing social security programs by several social security organising agencies, aimed at providing basic protection for the entire Indonesian population (Burattini et al., 2022; Purnomo & others, 2022; A. E. Putri, 2014). Through this system, every resident is expected to be able to meet the basic needs of a decent life when facing circumstances that lead to loss of income or reduced income, such as work accidents, job loss, entering old age, or retirement.(Adrianto, 2017; Nasional, n.d.) In this sense, social security serves as a protection mechanism against social risks that individual workers cannot always bear alone, especially when workers' bargaining position is vulnerable within an employment structure.

However, the implementation of social security in Indonesia still faces various problems. The social security program has not fully provided fair and adequate protection to participants in accordance with the benefits to which they are entitled. In fact, the funds collected from participant contributions are deposited with the Social Security Administration Agency (BPJS) and must be managed as effectively as possible for the benefit of participants and beneficiaries (A. E. Putri, 2014, pp. 8 & 14). In its development, the social security program, which originally included National Health Insurance, Work Accident Insurance, Death Insurance, Old Age Insurance, and Retirement Insurance, was then perfected with the presence of the Job Loss Insurance Program. The presence of this program indicates the expansion of state social protection for workers, especially those who have experienced employment termination.

The Job Loss Guarantee Program, or JKP, was introduced as a form of protection for workers who have lost their jobs, so they can maintain a decent livelihood and have the opportunity to re-enter the job market. The government proposes adding JKP as part of the expansion of the national social security system, as well as adopting the provisions of Chapter IV of the International Labour Organisation Convention Number 102 of 1952 concerning minimum social security standards, especially benefits for the unemployed (Susila, 2021, p. 73). Normatively, the existence of JKP is well-founded because it seeks to link temporary income protection to improved skills and job market information. Government Regulation Number 37 of 2021 concerning the Implementation of the Job Loss Insurance Program stipulates that JKP benefits include cash benefits for 6 months, access to job market information, and job training or skills improvement (Susila, 2021, pp. 73–74).

However, the normative design that appears ideal is not fully aligned with the realities of implementation. The JKP program still faces the problems of limited benefits, complex membership requirements, and technical and administrative obstacles in accessing benefits. As a result, not all workers who experience layoffs can receive JKP benefits; even some qualified workers do not always have easy access to these benefits. In this context, the issue of JKP is not only about the program's effectiveness but also touches on the more fundamental questions of legal certainty and legal justice for workers who have lost their jobs.

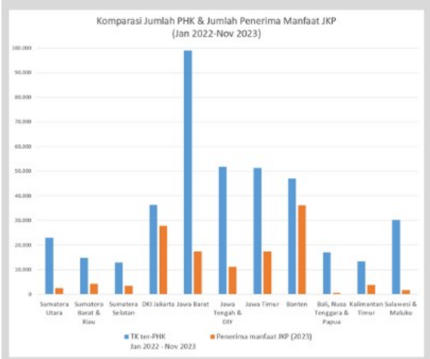
Nationally, until June 2023, BPJS Ketenagakerjaan recorded 36,831 JKP beneficiaries with a total benefit value of IDR 203.55 billion. Of these, 7,514 participants received career counsellingg, 6,181participatedt in job interviews, 187participatedt in job training, and 1,937 successfully returned to work. This data shows that not all workers who access JKP can return to the job market. This means that JKP's function as an instrument for the protection and reintegration of labourr is still notfunctioningg optimally (BPJS Ketenagakerjaan, 2023).

The gap between the number of workers who have been laid off and the number of JKP beneficiaries is also visible at the regional level. In West Java, from 2022 to November 2023, 98,927 workers were laid off, but only 17,448 received JKP benefits (Raharja et al., 2024).

This figure shows a considerable gap between workers who have lost their jobs and those who actually receive protection through JKP. This gap is important to study because it shows that social security policies are judged not only by their normative existence but also by their ability to be implemented in reaching the legal subjects who are supposed to be protected.

Bagan 1. Komparasi Jumlah PHK & Jumlah Penerima Manfaat JKP (Jan 2022-Nov 2023)

Provinsi	TK ter-PHK Jan 2022 - Nov 2023	Penerima manfaat JKP (2023)
Sumatera Utara	23.062	2.538
Sumatera Barat & Riau	14.825	4.279
Sumatera Selatan	12.977	3.532
DKI Jakarta	36.322	27.801
Jawa Barat	98.927	17.448
Jawa Tengah & DIY	51.820	11.179
Jawa Timur	51.266	17.448
Banten	47.053	36.100
Bali, Nusa Tenggara & Papua	17.000	643
Kalimantan Timur	13.373	3.847
Sulawesi & Maluku	30.195	1.739



Source: BPJS Employment 2023

Similar conditions are seen in Sukabumi Regency. Based on data from the Sukabumi Regency Manpower Office, in December 2023 there were 5,600 companies employing a total of 216,224 workers, comprising 63,854 male workers and 151,979 female workers. The minimum wage for Sukabumi Regency in 2024 is set at IDR 3,338,491.00 (Sukabumi Regency Manpower Office, 2023). Meanwhile, in the first half of 2023, the BPJS Ketenagakerjaan Sukabumi Branch paid claims totalling IDR 171 billion across several social security programs. Of the 22,446 claims, 11,831 are Old Age Insurance claims, 579 Death Insurance claims, 1,454 Work Accident Insurance claims, 5,454 Pension Insurance claims, and only 660 claims for Job Loss Insurance (Febrian, 2023).

Sekilas data ketenagakerjaan di Kabupaten Sukabumi

1. Data Perusahaan Berdasarkan Wajib Lapor Ketenagakerjaan Online

Tahun	Jumlah Perusahaan	Jumlah Tenaga Kerja					Klasifikasi Perusahaan			
		WNI		WNA		Jumlah	Kecil	Sedang	Besar	Jumlah
		Pria	Wanita	Pria	Wanita					
Desember 2022	2288	55746	114205	219	39	**170.209**	211	90	1987	**2288**
Desember 2023	5600	63854	151979	341	59	**216.224**	284	112	5204	**5600**

Tahun	Status Perusahaan					Perangkat Hubungan Industrial			
	SWASTA	PMDN	PMA	J.VENT	Jumlah	PP	PKB	SP	TRIPARTIT
2022	190	1945	144	9	2288	209	87	64	93
2023	222	5199	165	14	5600	262	94	72	97

4. Upah Minimum Kabupaten/Kota (UMK) Kabupaten Sukabumi

UMK Tahun 2022 = Rp. 3.125.444,72

UMK Tahun 2023 = Rp. 3.351.883,19

UMK Tahun 2024 = Rp. 3.384.491

Source: Sukabumi Regency Manpower Data 2023.

This data becomes even more problematic when compared with the statement by Vice Chairman 3 of APINDO Sukabumi Regency, who stated that, entering the fourth quarter of 2023,, around 23,000 workers in Sukabumi were forced to be laid off due to declining company production (Fatimah, 2023). A comparison between the 23,000 affected workers and only 660

JKP claims shows a large gap between the need for protection and access to social security benefits. This gap indicates that the implementation of JKP has not fully reached workers who have experienced layoffs or lost income. At this point, the JKP needs to be studied not only as an administrative employment program, but as a legal instrument that should guarantee protection, certainty, and justice for workers.

Based on these conditions, this study aims to analyse the implementation of the Job Loss Insurance Program regarding the rights of workers who have experienced layoffs in Sukabumi Regency. In addition, this study examines how the fulfilment of the JKP Program, in an effort to realise legal certainty, can provide legal justice for workers. Thus, this study aims to determine the implementation of JKP for workers who experience layoffs, identify barriers to accessing JKP benefits, and assess the extent to which the program provides effective legal protection as stipulated in Government Regulation Number 37 of 2021. This study is expected to contribute to strengthening the implementation of JKP, so that the program does not remain a social security program on paper but is truly present as concrete protection for workers who have lost their jobs.

METHODS

This study uses an empirical juridical method with a qualitative approach. This approach was chosen because this study examines how these norms work in social-employment practices in the field (Efendi & Ibrahim, 2018, p. 149). The focus of the research is directed at the implementation of the Job Loss Insurance Program (JKP) for workers who have experienced termination of employment (PHK) in Sukabumi Regency, by making Government Regulation Number 37 of 2021 concerning the Implementation of the Job Loss Insurance Program as the basis for legal analysis.

The approaches used are the statute *approach* and the *case approach* (Sunggono, 2003). The statute approach is used to examine the legal provisions that govern JKP membership, benefits, conditions, and claim mechanisms. Meanwhile, the case approach is used to see the gap between the norms regulated in laws and regulations and the reality of the implementation of JKP in Sukabumi Regency, especially in the garment and textile sector, which has a fairly high level of vulnerability to layoffs.

Research data was obtained through literature studies and field research. The literature study was carried out by examining primary legal materials in the form of the 1945 Constitution of the Republic of Indonesia, Law Number 40 of 2004 concerning the National Social Security System, Law Number 6 of 2023 concerning Job Creation, and Government Regulation Number 37 of 2021. Secondary legal materials are obtained from books, journal articles, policy reports, and relevant official data. Field research was carried out through observation and interviews with the Sukabumi Regency Manpower Office, BPJS Ketenagakerjaan Sukabumi, companies, workers, and labour unions.

RESULTS AND DISCUSSION

RESULTS

Implementation of the Job Loss Guarantee Program for Workers Who Have Experienced Termination of Employment

a) Workers' Rights to Obtain Labouur Social Security

Labour social security is a form of legal and social protection for workers against risks that can lead to loss or reduced income. The protection can take the form of monetary compensation or specific services when workers experience events such as work accidents, illness, pregnancy, childbirth, entering old age, death, or job loss. In the context of the welfare state, labourr social security cannot be seen solely as an administrative facilit, but as an instrument of the state to ensure that workers continue to have basic protectionagainstg socio-economic vulnerabilities.

The scope of social security for workers in Indonesia includes National Health Insurance, Work Accident Insurance, Death Insurance, Old Age Insurance, Pension Insurance, and Job Loss Insurance. All of these programs are part of the National Social Security System as regulated in Law Number 40 of 2004 concerning the National Social Security System. This system is implemented through the Social Security Organising Agency, namely BPJS Kesehatan and BPJS Ketenagakerjaan, with the principle of social protection for all residents to meet the basic needs of a decent life.

National Health Insurance is a social security program that is organised through a mandatory health insurance mechanism. This program aims to meet the basic needs of decent public health, both for participants who pay contributions independently and for participants whose contributions are paid by the government. The obligation to participate in JKN shows that health protection is recognised as a basic need for citizens that must be guaranteed through the public system, rather than left solely to each individual's economic ability.

In addition to JKN, workers also get protection through Work Accident Insurance. This program provides benefits in the form of health services and/or cash when workers experience work accidents or illnesses caused by the work environment. This protection is important because workers face risks inherent in the production process. Within the framework of ILO Convention No. 102 of 1952, occupational accident insurance at least includes death compensation, temporary inability to work compensation, partial or total disability compensation, and compensation for family left behind.

Death Insurance is given to the heirs when the participant dies not as a result of a work accident. This program is organised based on the social insurance mechanism and is financed through employer contributions. The benefits are paid in lump sum to the legal heirs. Thus, JKM serves as protection for workers' families, so they do not lose their entire economic base when breadwinners die.

Old Age Security is a social security program organised on the principle of social insurance, or mandatory savings. The goal is to ensure that participants receive cash when they enter retirement age, experience permanent total disability, or die. JHT benefits are determined by the accumulation of participants' contributions and the results of their development. In practice, JHT serves as a long-term economic protection for workers, especially when the employment relationship ends or their ability to work declines due to age or physical condition.

Meanwhile, Pension Insurance aims to maintain a decent standard of living for participants and/or their heirs by providing monthly income after participants reach retirement age, experience permanent total disability, or die. Unlike JHT, which is paid based on accumulated savings, JP is designed as a periodic benefit so that workers still have a source of income after they are no longer actively working. This program is further regulated in Government Regulation Number 45 of 2015 concerning the Implementation of the Pension Security Program.

In the latest development, employment social protection is being expanded through the Job Loss Guarantee. JKP is a guarantee provided to workers or labourers who have experienced termination of employment in the form of cash, access to job market information, and job training. This program aims to maintain a decent standard of living for workers who lose their jobs, while helping them re-enter the job market. Thus, JKP is intended not only as temporary assistance but also as a transition mechanism for workers affected by layoffs.

Workers' rights to JKP are affirmed in the amendment of Law Number 40 of 2004, especially Article 46B paragraph (2), which states that job loss insurance is provided to maintain a decent standard of living when workers lose their jobs. JKP membership is also regulated in Article 46C paragraph (1), namely every person who has paid contributions and has an employment relationship with an employer. This provision is clarified in Government Regulation Number 37 of 2021, especially Article 2 paragraph (1), which requires employers to include workers as participants in the JKP Program. Therefore, in the context of layoffs, JKP must be understood as a workers' right with a legal basis, not merely voluntary policy assistance.

b) Workers' Rights to Obtain Job Loss Insurance When Laid Off

Job Loss Insurance (JKP) is a new social security program that emerged from changes in employment policy under the Job Creation Law. The law mandates that the government establish operational rules for JKP, which were then implemented through Government Regulation Number 37 of 2021 concerning the Implementation of the Job Loss Insurance Program. This Government Regulation more specifically regulates the organisers, funding sources, membership requirements, beneficiaries, forms of benefits, and types of termination of employment that are excluded from receiving JKP benefits. In its implementation, JKP is organised by BPJS Ketenagakerjaan in collaboration with the central government. To support this program, BPJS Ketenagakerjaan obtained an initial capital of IDR 6 trillion from the State Budget (Samadhi et al., 2021).

Normatively, JKP is designed to protect workers or labourers who have been terminated from employment. The protection is provided through three forms of benefits, namely cash, access to job market information, and job training. Through cash benefits, workers are expected to be still able to maintain a decent standard of living after losing their jobs. Meanwhile, access to job market information and job training is directed to help workers re-enter the job market. Thus, JKP is positioned not only as temporary assistance but also as a transitional instrument so that workers are not completely cut off from productive economic life.

The obligation of employers to include workers in the JKP program is affirmed in Article 2 paragraph (1) of Government Regulation Number 37 of 2021, which states that employers are obliged to include workers or labourers as participants in the JKP Program. Article 2 paragraph (2) emphasises that this program is organised to maintain a decent standard of living when workers lose their jobs. Furthermore, Article 3 states that BPJS Ketenagakerjaan and the central government organise JKP. This provision shows that JKP is not a voluntary program but a workers' right directly correlated with employers' legal obligations and state responsibilities.

JKP membership is further regulated in Article 4 of Government Regulation Number 37 of 2021. Participants consist of workers who have been included in the social security program by the employer and those whom the employer has just registered. The basic requirements include being an Indonesian citizen, not being over 54 at the time of registration, and having an employment relationship with an employer. In addition, workers in large and medium businesses must be included in JKN, JKK, JHT, JP, and JKM. Workers in micro and small businesses must at least be included in JKN, JKK, JHT, and JKM. JKN participants who meet JKP requirements must have the status of Wage Recipient Workers in business entities.

However, not all laid-off workers are eligible for JKP benefits. Government Regulation Number 37 of 2021 excludes several causes for the termination of employment relationships, namely resignation, permanent total disability, retirement, death, and termination of the employment agreement. In addition, workers must meet the requirements for the iur period, namely having paid contributions for at least 12 months within 24 months and for at least 6 consecutive months before the layoff. Workers must also have the desire to return to work. These conditions show that access to JKP is largely determined by membership status, company compliance, the suitability of administrative data, and the legal construction of the reason for layoffs.

National employment data shows that the problem of JKP cannot be separated from the structure of the Indonesian labour market. According to BPS data from February 2023, the number of working-age residents reached 211.59 million. Of these, 146.62 million are in the labour force and 64.97 million are not. A total of 7.99 million people are unemployed, while 138.63 million are employed. Of these worker groups, only 55.29 million people work in the formal sector with PKWTT or PKWT status, while 83.34 million people are in the informal sector. This means that most Indonesian workers are outside the scope of JKP protection, which is by design more oriented towards formal workers.

BPJS Employment data in May 2023 also shows the limitations of this coverage. The total number of participants was recorded as 35,991,518 workers, consisting of 30,406,564 wage earners and 5,584,954 non-wage earners. Of the wage recipient group, 22,820,367 work in the formal sector, 359,519 are Indonesian migrant workers, and 7,226,678 work in the construction services sector. Of these, only 12,900,097 workers are JKP participants. Thus, social security participants cover only 24.54 per cent of the total labour force, 54.99 per cent of formal workers, and 6.3 per cent of informal workers.

The limited scope is also seen in the JKP claim data. Of the 13,156,045 active participants, only 39,187 are cash beneficiaries. A total of 37,585 workers accessed job market information, but only 181 participated in the training. Of all active participants, only 1,419 workers returned to work. As of June 2023, BPJS Ketenagakerjaan recorded 36,831 JKP beneficiaries with a total benefit value of IDR 203.55 billion. Of these, 7,514 participants received career counselling, 6,181 participated in job interviews, 187 participated in job training, and 1,937 returned to work.

This data shows a gap between JKP's goals as a return-to-work *instrument* and the reality of its implementation. The problem with JKP implementation also arises on the membership side. Many workers who have been laid off, especially during the pandemic, have contract status with short working periods, often only 30 to 90 days. Under such conditions, the minimum membership requirement of 12 months prevents them from accessing JKP. Another obstacle arises from discrepancies in membership data between BPJS Employment and BPJS Kesehatan.

In addition, there are patterns of corporate violations, such as Companies That Must Not Be Registered, Companies in Arrears of Contributions, and Companies Partially Registered. BPJS Employment noted that in 2022 there were around 55.37 million registered workers, but only 35.86 million active workers. This means that around 19.5 million workers have not been effectively protected and cannot access JKP. As of May 2022, out of 63,257 companies, only 40,144 are compliant with BPJS Employment membership, so around 30 per cent of companies remain noncompliant.

Another obstacle relates to the status of the termination of the employment relationship. Many workers are formally recorded as resigning, despite in reality losing their jobs due to company pressure or production conditions. In 2021, BPJS Ketenagakerjaan recorded 933,762 workers losing their jobs due to resignation and 674,113 due to layoffs (Mayulu, 2021). In industrial relations practice, resignation status is often chosen because workers avoid lengthy layoffs, or because employers offer compensation faster even though the value is lower than the legal provisions. As a consequence, workers lose the right to access JKP.

Administrative problems also arise in the relationship between JKP and JKN. JKP requires workers to be registered as JKN participants with the status of Wage Recipient Workers. In the field, some workers are still independent participants or Contribution Assistance Recipients. Some workers are reluctant to change their status because they worry about losing other social assistance, such as the Family Hope Program or Direct Cash Assistance. On the other hand, entrepreneurs are not always active in migrating workers' membership status to PPU business entities. As a result, workers enrolled in certain social security programs remain ineligible to participate in JKP.

Field findings in Sukabumi Regency show this problem more concretely. Based on an interview with the Head of Industrial Relations of the Sukabumi Regency Manpower Office, Tedi Sunandar, in June 2024, the recapitulation of layoffs in 2023 from 20 companies shows that 1,031 workers were laid off, with the peak of layoffs in July as many as 545 people and August as many as 189 people. Of this number, based on the recapitulation submitted by the company, 923 workers have accessed JKP. However, this data still needs to be read carefully because the trend of layoffs in Sukabumi Regency is considered higher than this figure.

The statement by the Deputy Chairman of APINDO Sukabumi Regency, Aswin Andrian, reported a much larger number: around 23,000 workers were laid off due to a decrease in orders caused by the global economic crisis (Fatimah, 2023). The statement by the Chairman of SP TSK SPSI Sukabumi Regency, Mochammad Popon, also showed that within the union's member companies alone, there was a reduction of around 5,000 workers, from 48,000 to 43,000 members. The reduction is spread across several companies, including PT GSI Cikembar, PT GSI Sukalarang, PT Nike Pratama Abadi Industri, PT Paiho, PT Sriya Peternakan, PT KG Fashion Garment, and PT Yongjin Javasuka Garment 1, 2, and 3.

BPJS Employment Sukabumi Branch's 2023 claim data also shows inequality between JKP and other programs. The total claims paid reached IDR 384 billion from 48,204 claims(Ahmad, 2024). A total of 23,807 claims are JHT, with a value of IDR 286,004,960,660. The JKM program is IDR 52,197,200,000; JKK is IDR 28,946,619,990; JP is IDR 12,684,454,740; while JKP is only IDR 4,747,708,075 (Ahmad, 2024). This difference shows that workers who lose their jobs tend to access JHT more than JKP, among other things because the JHT procedure is considered simpler and the financial benefits are more directly felt.

A case study on PT Yongjin Javasuka Garment workers corroborates these findings. PT Yongjin Javasuka Garment is a clothing industry company with thousands of workers in three business units in Cicurug, Sukabumi Regency. One of the informants, SM, a 43-year-old operator with 13 years of work experience, stated that he had been registered for employment social security. However, his JKN status remained independent and inactive due to arrears. This condition makes him ineligible to be a JKP participant, even though he has worked for a long time and is enrolled in another social security program. Another informant, DS, explained that workers with independent JKN or PBI are not always migrated to JKN PPU by companies, so they still do not meet the eligibility requirements for JKP.

The findings show that workers' rights to obtain JKP still face structural, administrative, and supervisory obstacles. Normatively, Government Regulation Number 37 of 2021 has required employers to register workers in the JKP program. However, in practice, there are still companies that have not registered all workers or have only registered part of the program. Employment supervision is regulated in Article 14 of Government Regulation Number 37 of 2021, which provides for administrative sanctions, including written reprimands and restrictions on certain public services. However, the effectiveness of supervision remains limited because the enforcement process involves a lengthy bureaucratic chain among BPJS Ketenagakerjaan, PPNS Ketenagakerjaan, and law enforcement officials. As a result, JKP protection has not been fully recognised as a right that workers can easily access during layoffs.

Fulfillment of Job Loss Insurance Rights for Workers Who Are Laid Off in Sukabumi Regency

The fulfilment of the right to Job Loss Insurance (JKP) for workers who have been terminated in Sukabumi Regency reveals a gap between normative arrangements and their implementation in the field. Legally, Government Regulation Number 37 of 2021 has emphasised that employers are obliged to include workers or labourers as participants in the JKP Program. The program is provided in the form of cash benefits, access to job market information, and job training. These three benefits are intended to help workers who have lost their jobs maintain a decent life and receive support to re-enter the job market.

Based on data from the Sukabumi Regency Manpower Office, from January to December 2023,, 1,031 workers were laid off by 20 companies. The highest number of layoffs occurred in July 2023, namely 545 workers, followed by 189 workers in August. Of this total, based on the recapitulation submitted by the company, as many as 923 workers were recorded as having accessed JKP. This data shows that some workers who have experienced layoffs have gained access to the JKP program. However, this figure does not fully capture the overall dynamics of layoffs in Sukabumi Regency, as other data show that the number of affected workers is much larger.

Deputy Chairman of APINDO Sukabumi Regency, Aswin Andrian, said that around 23,000 workers were laid off due to a decline in production at companies resulting from the global economic crisis. Meanwhile, the Chairman of the Textile and Leather Workers Union of the All Indonesia Labour Union in Sukabumi Regency, Mochammad Popon, said that the number of union members had decreased by around 5,000, from 48,000 to 43,000. The reduction occurred because workers were laid off at several companies, including PT GSI Cikembar, PT GSI Sukalarang, PT Nike Pratama Abadi Industri, PT Paiho, PT Sriya Peternakan, PT KG Fashion Garment, and PT Yongjin Javasuka Garment 1, 2, and 3.

The differences in numbers among official data on layoffs, information from employers' associations, and information from labourr unionsshows that the problem of JKP is not only related to the existence or absence of programs, but also tohowh job loss status is recorded and classified. Workers who are laid off, have had their contracts expire, or are directed to resign are not necessarily recorded as laid off in an administrative sense. Even though, socioeconomically, they both lose income or experience job uncertainty. This situation directly affects JKP access, because JKP benefits can only be granted to workers who meet the layoff category and membership requirements specified in Government Regulation Number 37 of 2021.

On the membership side, Government Regulation Number 37 of 2021 requires workers to be registered in the mandatory social security program. For large and medium businesses, workers must be included in JKN, JKK, JHT, JP, and JKM. Meanwhile, for micro and small businesses, workers must be registered with at least JKN, JKK, JHT, and JKM. In addition, JKN participants must be Wage Recipient Workers in business entities. In practice, this provisione, is one of the important obstacles, especially for workers whose JKN status is still independent or Contribution Assistance Recipients, even though they have been registered in otheremployment-basedt social security programs.

This picture shows the workers of PT Yongjin Javasuka Garment in Cicurug, Sukabumi Regency. One of the informants, SM, an operator worker aged about 43 years with 13 years of work experience, stated that he had been registered in the employment social security program.

However, his JKN status remains independent and inactive due to arrears. This circumstance makes him ineligible as a JKP participant, even though he has worked for a long time and is registered with another social security programs program. Other informants' statements also show that companies do not always migrate workers with independent JKN or PBI status to JKN PPU business entities. As a result, workers still do not meet the eligibility requirements for JKP when they are laid off.

This condition indicates a problem between formal compliance and the substantive fulfilment of rights. Companies can declare that they have enrolled workers in certain social security programs. However, if an employee's membership status does not meet all specified conditions, the employee will still not be eligible for JKP benefits. Thus, the fulfilment of JKP rights cannot be measured solely by the existence of worker registration with BPJS Ketenagakerjaan. The fulfilment must be assessed based on the completeness of the social security program, the suitability of JKN status, the period of employment, and the status of the employee's employment relationship during layoffs.

BPJS Employment Sukabumi Branch's 2023 claim data also shows a stark disparity between JKP and other social security programs. Of the total 48,204 claims with a payment value of around IDR 384 billion, Old Age Security claims reached IDR 286,004,960,660. Meanwhile, JKP claims were only IDR 4,747,708,075. This large difference indicates that workers who lost their jobs have greater access to JHT than to JKP. This can happen because JHT is easier to understand, the procedure is considered simpler, and workers more directly feel the financial benefits. On the other hand, JKP is still perceived as more complicated because it requires administrative completeness, certain categories of layoffs, iur periods, and access through digital systems.

The aspect of digitising services is also a problem in itself. Applying for JKP through digital channels such as SIAPKerja is not always easy for workers. Some workers experience difficulties due to limited devices, limited mobile phone memory capacity, unreliable internet connectivity, and limited digital literacy. The process of generating emails, passwords, authentication, document uploads, and data updates within time limits can be an obstacle that causes workers to fail or be reluctant to proceed with the claims process. In this situation, the digitisation of services has not been fully a means of expanding access, because there are still workers who need direct assistance.

In terms of supervision, the Sukabumi Regency Manpower Office said that there are still companies that have not registered all their workers in the mandatory social security program or have engaged in Partial Registration. Even though Government Regulation Number 37 of 2021 has regulated administrative sanctions in the form of written reprimands and the denial of certain public services for entrepreneurs who violate their obligations. However, the implementation of the administrative sanctions does not appear strong enough to ensure the company's overall compliance.

Thus, the fulfilment of JKP rights for workers who experience layoffs in Sukabumi Regency still faces several main problems, namely differences in layoff data, membership status that has not yet met the requirements, JKN status that is still independent or PBI, the category of layoffs that excludes some workers, digital access constraints, and weak supervision of company compliance. JKP already has a clear legal basis, but its implementation still does not fully reach the workers who need protection most when they lose their jobs.

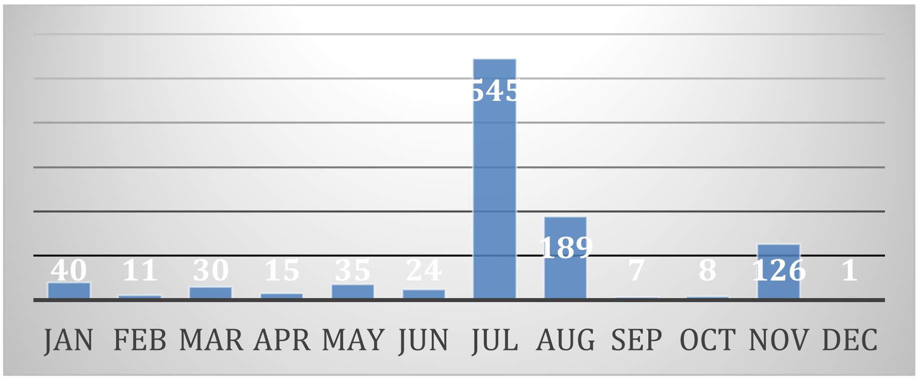
Discussion

The fulfilment of the Job Loss Guarantee Program (JKP) for workers who have experienced termination of employment in Sukabumi Regency needs to be read in two layers of analysis: first, how to implement JKP as workers' right to job loss benefits. Second, the extent to which the implementation of the program is able to realise legal certainty and legal justice. These two questions are important because JKP has normatively been regulated in Government Regulation Number 37 of 2021. However, in practice there is still a gap between rules, membership, access to benefits, and real protection for workers.

Normatively, JKP was established as a new social protection instrument within Indonesia's employment social security system. The program is designed to provide cash benefits, access to job market information, and job training to laid-off workers. From the beginning, the design of this program was driven by two goals: income protection and work reintegration. However, its effectiveness is highly dependent on the scope of participation, the simplicity of procedures, the quality of training, and the integration of labour market services (Muhyiddin et al., 2024; I. A. Putri et al., 2024; Saputra & Bene, 2022; Silitonga et al., 2022; Vodopivec et al., 2022).

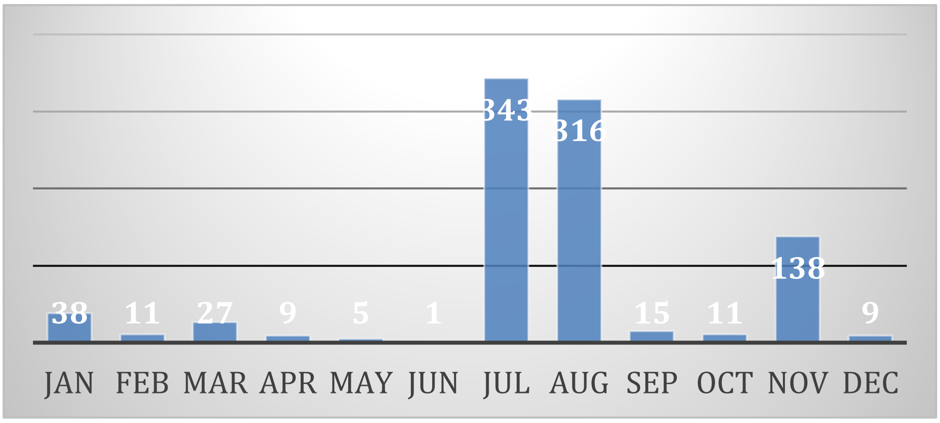
Government Regulation Number 37 of 2021 can be understood as a norm that regulates what is "supposedly" done by entrepreneurs, BPJS Ketenagakerjaan, and the government. Hans Kelsen's view of the law as a system of norms is relevant because the obligation of employers to include workers in the JKP as stipulated in Article 2 paragraph (1) of Government Regulation Number 37 of 2021 is not a moral choice or voluntary policy, but a legal order. However, as criticised in the study of social policy implementation, the existence of norms is not always synonymous with the exercise of rights in citizens' experience. Social rights are often weakened when burdened with complex administrative requirements, fragile data integration, and claims procedures that are unfriendly to vulnerable groups (Heinrich, 2021; Herd, 2025; Herd & Moynihan, 2023; Miller & Keiser, 2020).

In the context of Sukabumi Regency, the implementation of JKP shows that there is a gap between legal provisions and the reality of industrial relations. Based on data from the Sukabumi Regency Manpower Office, from January to December 2023, there were 1,031 workers who were laid off from 20 companies, as seen in the following figure:



Source: Sukabumi Regency Manpower Office

The peak of layoffs occurred in July 2023, when as many as 545 workers were laid off, followed by August, with as many as 189 workers laid off. Of these, 923 workers are said to have accessed JKP, according to the company's recapitulation. However, this figure cannot be read in isolation because there is other information that shows the scale of the affected workers is much larger. The Vice Chairman of APINDO Sukabumi Regency said that around 23,000 workers were laid off due to a decrease in production, while the Chairman of SP TSK SPSI Sukabumi Regency said that there was a reduction of around 5,000 union members due to in many garment and textile companies.



Source: Sukabumi Regency Manpower Office

The difference in these numbers shows that the problem of JKP does not only lie in the disbursement of benefits, but in the way in which job losses are recorded, categorised, and recognised administratively. Workers who are laid off, have their contracts expire, or are directed to resign can experience a real loss of income, but they are not necessarily classified as workers who have been laid off in the legal sense of JKP. This is where the problem of legal certainty arises.

Legal certainty, according to Jan Michiel Otto, presupposes the availability of clear rules, consistent application by state institutions, and the ability of citizens to understand and adjust their actions to these rules. When layoff data, membership data, and claims data are out of sync, workers are in a grey space: socially they lose their jobs, but administratively they are not necessarily recognised as JKP beneficiaries. The literature on unemployment, layoffs, and post-pandemic social protection also shows that labour market crises often result in unstable job categories, such as being laid off without wages, contracts not being renewed, or resignations produced by structural pressures (Al-Fatih et al., 2023; Pratomo, 2025).

The next issue lies in the requirements for membership and beneficiaries. Government Regulation Number 37 of 2021 requires workers with Indonesian citizenship status, under the age of 54 when registering, with an employment relationship with an employer, registered in the mandatory social security program, and with a minimum period of 12 months within 24 months and six consecutive months before layoff. In large and medium businesses, workers must be registered with JKN, JKK, JHT, JP, and JKM, while in micro and small businesses, they must be registered with at least JKN, JKK, JHT, and JKM. This provision appears to be systematically normative, but empirically it has the potential to exclude the most vulnerable workers, especially short-contract PKWT workers, new workers, workers whose JKN status is not yet eligible, and workers whose employment relationships have ended due to contract expiration. The study on JKP Indonesia also confirms that the employment period, membership status, and layoff exemptions are critical points that limit workers' access to benefits (Muhyiddin et al., 2024; I. A. Putri et al., 2024; Saputra & Bene, 2022; Silitonga et al., 2022)

The case of PT Yongjin Javasuka Garment workers shows this problem concretely. Some workers have been registered in the employment social security program, but their JKN status is still independent or Contribution Assistance Recipients, not Wage Recipients in business entities. One of the informants stated that his JKN status was inactive due to arrears, so even though he had worked for 13 years and was registered in other social security programs, he was still not eligible as a JKP participant. This condition shows that the fulfilment of the JKP is highly dependent on the cross-program administration between BPJS Employment and BPJS Kesehatan. In such a situation, workers lose their rights not because they are not working or are not at risk of layoffs, but because their administrative status does not align with the program configuration. Problems like this are in line with the study of *administrative burden*, which is when public service procedures, documents, verification, and design create learning costs, compliance costs, and psychological pressures that ultimately hinder citizens from obtaining their rights.

The dimension of digitalisation also deepens access barriers. JKP requires the use of digital channels, including through SIAPKerja. Ideally, digitisation can speed up services, integrate data, and expand program reach. However, in a working society with uneven digital literacy, digitalisation can become a new mechanism of exclusion(Bank, 2024; Burattini et al., 2022). Workers who have limited mobile phone access, unstable internet access, difficulty creating emails, forget passwords, fail authentication, or being are unable to upload documents within a certain time limit may be prevented from receiving benefits. Studies on the digitalisation of social protection show that digital services are not automatically inclusive if they are not accompanied by mentoring, easy-to-use designs, and alternative channels for vulnerable groups (Burattini et al., 2022; Institute, 2024; Nguyen et al., 2025; Purnomo & others, 2022).

BPJS Employment Sukabumi Branch claim data in 2023 strengthens this analysis. Of the total 48,204 claims with a payment value of around IDR 384 billion, Old Age Security claims reached IDR 286,004,960,660, while JKP claims were only IDR 4,747,708,075. This difference shows that workers who lost their jobs accessed JHT more than JKP. In fact, JKP is specifically designed to protect against the risk of job loss. The low number of JKP claims may indicate that workers understand JHT better, consider JHT easier to disburse, or judge the benefits of JKP as not commensurate with the complexity of the procedure. There have been many studies on JKP and found that workers indeed appreciate cash assistance, but often not enough to cover the needs of life, while training and job information are not always relevant to the needs of the job market (Efrani & Putri, 2025; Iskandar, 2025; I. A. Putri et al., 2024; Ulku & Georgieva, 2022).

From the perspective of active labour market policies, JKP should not stop at providing cash. The training and information components of the job market are important because the end goal is *the return to work*. However, international literature shows that job training and job placement services are only effective when they are connected to the demand of the job market, supported by skills mapping, have mentoring, and are not just a formality program (Ernst et al., 2022; Nunn & others, 2024; Ulku & Georgieva, 2022). In the context of Sukabumi, which is characterised by the dominance of the garment and textile sectors, JKP training needs to be directed at the real needs of affected workers, either to return to the manufacturing sector, switch to other sectors, or acquire new skills that can be used economically. If the training does not align with workers' needs and the local job market, then JKP is only temporary assistance with limited transformative power.

In terms of legal justice, this condition shows a more substantive problem. Gustav Radbruch placed certainty, justice, and utility as the three basic values of law. JKP has normative certainty because it is regulated by Government Regulation Number 37 of 2021. However, this certainty is not enough if workers who have lost their jobs are unable to exercise their rights due to JKN status, employment period, layoff category, or digital barriers. In John Rawls's perspective, fair policies must benefit the most disadvantaged groups. Workers affected by layoffs are clearly in a vulnerable position due to lost income, family dependents, and a weak bargaining position before the company. Therefore, JKP should work affirmatively, namely by making it easier for vulnerable workers to obtain protection, rather than increasing points of administrative failure.

Law enforcement is also not strong enough. Article 46 of Government Regulation Number 37 of 2021 regulates administrative sanctions, including written reprimands and denial of certain public services, for entrepreneurs who violate their obligations. However, these sanctions are ineffective if the supervision mechanism is not firm, swift, and measurable. BPJS

Ketenagakerjaan,, as the program, implementer, does not have investigative authority, so action against non-compliant companies depends on coordination with the labourr supervisor andother relevantd officials. As a result, workers bear the direct impact of the company's non-compliance, while the enforcement process is slow. In this context, the fulfilment of the JKP requires not only improving norms, but also strengthening supervisory governance, data integration, and corporate accountability.

CONCLUSIONS AND SUGGESTIONS

Conclusion

The implementation of JKP for laid-off workers in Sukabumi Regency has not been fully effective. This program has indeed had a clear legal basis and is conceptually aligned with the principles of modern social protection. However, its implementation still faces obstacles in recording layoffs, membership status, IUR period, JKN status, layoff categories, digital access, company compliance, training relevance, and supervision. In terms of legal certainty, workers have not always had clarity regarding their status and access to benefits. In terms of legal justice, this program has not fully sided with the most vulnerable workers. Therefore, the improvement of the JKP needs to focus on simplifying requirements for beneficiaries, integrating BPJS Employment and BPJS Kesehatan data, facilitating digital access, strengthening labour supervision, imposing more operational sanctions on non-compliant companies, and aligning job training with the needs of the local job market. Without these improvements, the JKP risks remaining strong as a normative right but fragile as a social protection for workers.

Author's Contribution

All authors contributed significantly to this study. These contributions include the formulation of research ideas, the preparation of theoretical frameworks, data collection, data analysis, interpretation of results, manuscript writing, revision, and final approval of manuscripts to be published. All authors declare that they have read and approved the final version of the article.

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